

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

MARK MARVIN,

Petitioner,

Case Number 11-15281
Honorable John Corbett O'Meara

v.

JOHN PRELESNIK,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

On December 1, 2011, Petitioner Mark Marvin, a state inmate, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Pending before the Court is his motion for appointment of counsel. For the reasons set forth below, the Court will deny the motion without prejudice.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert. denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). A habeas petitioner may obtain representation at any stage of the case "[w]henever the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In this case, after the Court has carefully reviewed the pleadings and state court record, if the Court determines that appointment of counsel is necessary, then it will do so at that time. Petitioner need not file any further motions regarding this issue.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Appointment of Counsel" is
DENIED WITHOUT PREJUDICE.
SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: May 4, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 4, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager